

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MARIO TRICOCI HAIR SALONS & DAY  
SPAS, LLC, d/b/a Tricoci Salon and Spa, an  
Illinois corporation,

Plaintiff,

v.

CLAUDIA POCCIA and MOLLY SLOAT,

Defendants.

Case No. 20-cv-07196

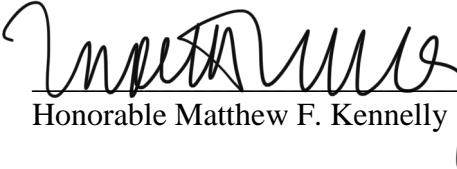
Hon. Matthew F. Kennelly  
Hon. Mag. Gabriel A. Fuentes

**AGREED ORDER REGARDING FORENSIC INSPECTION**

This cause coming to be heard on Mario Tricoci Hair Salons & Day Spas, LLC d/b/a Tricoci Salon and Spa's ("Tricoci") Motion to Set a Hearing Date for Tricoci's Preliminary Injunction Motion and for Expedited Discovery and Forensic Inspection (the "Motion"), due notice having been given, and the Court being fully advised in the premises, IT IS HEREBY ORDERED:

1. Tricoci's request for forensic inspection is GRANTED;
2. The Parties shall conduct forensic inspection of Defendants' devices in accordance with the Forensic Protocol attached hereto as Exhibit 1.

Dated: December 24, 2020

  
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Honorable Matthew F. Kennelly

*Prepared by:*

GREENBERG TRAURIG, LLP (#36511)  
77 West Wacker Drive, Suite 3100  
Chicago, Illinois 60601  
Tel: (312) 456-8400  
Fax: (312) 456-8435

*Attorneys for Plaintiff Mario Tricoci Hair  
Salons & Day Spas, LLC, d/b/a Tricoci Salon and Spa*

**Protocols:**

1. Defendants must turn over their personal cell phone/laptop/desktop/tablet used (including those used by not owned) for Poccia from February 11, 2019 – present, and for Sloat from March 4, 2019 – present, for forensic imaging<sup>1</sup> and examination by Legility, LLC, a company that specializes in eDiscovery (“Legility”), no later than the close of business, Tuesday, December 29. Both Defendants will use best efforts to make the devices available earlier on December 29 if possible. (All parties understand that Legility works during normal business hours and has normal holiday closures. Legility will pick up and use its best efforts to return the devices within 48 to 72 hours of taking possession.
2. Defendants will provide a sworn statement attesting that the cell phone, laptop, tablet and/or desktop (as applicable) turned over is the cell phone, laptop, tablet and/or desktop (as applicable) that was used during the time period specified above in Paragraph 1.
3. Plaintiff will pay the costs of the forensic imaging, storage, and examination process from Legility.
4. Defendants agree to allow Legility to mirror image the entire contents of their electronic devices.<sup>2</sup> Defendants will provide any necessary passwords to access all information including Defendants’ email and other accounts promptly upon request.
5. Legility is not authorized to disclose, disseminate, transfer, or otherwise provide the original or a copy of Defendants’ mirror images from any of their devices to any individual or entity without prior Order from the Court or joint instruction from all Parties authorizing such disclosure. Plaintiff agrees to confirm Legility’s understanding of the prohibition contained in this paragraph prior to Legility taking possession of any of Defendants’ personal electronic devices.
6. Legility will prepare and provide i) an inventory of the device’s contents by data/content type that fall within agreed upon search terms, such inventory to include the type of file (.pst, .pdf, etc.), the name of the file, who sent and received the file (to the extent it is an e-mail transmission), the dates associated with the file, the name of the file and/or subject line of the file (to the extent it is an e-mail transmission), and all metadata, ii) all documents capture using agreed upon search terms, in a form viewable via a commonly used file format; and iii) a list of all the USBs or other storage devices (by serial numbers) attached to the imaged devices from January 1, 2019- present.
  - a. To the extent files need special formatting, Legility will provide all parties and the Court the necessary tools to access such files, such as specific software programs.

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<sup>1</sup> Commonly referred to as a “mirror image.”

<sup>2</sup> According to Legility, the time for this process should not exceed 3 business days and the device will be returned by in-person delivery in the same condition and with the same information.

- b. Plaintiff and Defendant have agreed upon a list of preliminary searches to be run which is attached here as Exhibit A.
- 7. Legility will first provide the items listed in 6 above to Defendants' counsel for their review. Defendants' counsel shall review the items provided for privilege and privacy concerns, including any confidential information *unrelated* to this matter, and shall produce a log of any documents withheld from production to Plaintiff or any redactions to any documents with the same detail and specificity required by a privilege log to Plaintiff.
- 8. Legality shall then provide any documents not contained on the log to Plaintiff's counsel.
- 9. Should Plaintiff have reasonable and articulated concerns about Defendants' production after Step 8 above, Plaintiff shall first meet and confer in good faith with Defendants' counsel in an attempt to resolve the issue. If the parties are unable to resolve the issue, Plaintiff shall file a motion with the court requesting the court review the information provided by Legility to Defendants' counsel via Step 7 but not provided to Plaintiff via Step 8 to determine if Defendants have inappropriately withheld relevant information.
- 10. The Parties agree to act in good faith and meet and confer about any issues which arise prior to involving the Court.

Exhibit A  
Preliminary Searches for MT v. Sloat and Poccia

1. All texts and emails between Defendants
  - a. @designdichotomy.com
  - b. [mjs@gmail.com](mailto:mjs@gmail.com)
  - c. [Claudiapoccia4@gmail.com](mailto:Claudiapoccia4@gmail.com)
  - d. [msloat@tricoci.com](mailto:msloat@tricoci.com)
  - e. [cpoccia@tricoci.com](mailto:cpoccia@tricoci.com)
  - f. [pocciaclaudia@icloud.com](mailto:pocciaclaudia@icloud.com)
  - g. [mrsandmrbig@gmail.com](mailto:mrsandmrbig@gmail.com).
  - h. Sloat phone numbers  
(773) 744-5760  
(MT phone number to be added)
  - i. Poccia phone numbers  
(847) 714-3247  
(917) 683-0532
2. All texts and emails to and from any MT email (such phone numbers to be provided by Defendants)
3. All documents and metadata from the documents Sloat sent to herself during her employment with MT as can be identified from the emails identified in Plaintiff's Memorandum of Law in Support of its Motion for Preliminary Injunction.
4. All documents and metadata from any document downloaded by Sloat from March 4, 2019 -October 20, 2020.
5. All documents and metadata from any document downloaded by Poccia from February 11, 2019 – October 20, 2020).

Search Terms:

6. Product Vendors:
  - a. Robertet Groupe
  - b. Beth Sherrer [bsherrer@robertetus.com](mailto:bsherrer@robertetus.com)
  - c. Cheryl Zeppenfeld [czeppenfeld@robertetus.com](mailto:czeppenfeld@robertetus.com)
  - d. Pierre Wulff [pwulff@robertetus.com](mailto:pwulff@robertetus.com)
  - e. Doreen Raymond [draymond@robertetus.com](mailto:draymond@robertetus.com)
  - f. Berry Plastics/M&H
  - g. Joshua Edmonson [jedmonson@mhplasticsusa.com](mailto:jedmonson@mhplasticsusa.com)
  - h. La Dove
    - i. Yanisley Rodriguez [YRodriguez@ladove.com](mailto:YRodriguez@ladove.com)
    - j. Joey Cecio [JCecio@ladove.com](mailto:JCecio@ladove.com)
    - k. Open Door Packaging
  - l. April Pena [april@opendoorpackaging.com](mailto:april@opendoorpackaging.com)

- m. Greenway Research Lab
- n. Rocco Altobelli [rfa@roccoaltobelli.com](mailto:rfa@roccoaltobelli.com)
- o. Patty Martin [PMartin@greenwaylab.com](mailto:PMartin@greenwaylab.com)
- p. Robert Hessler <[RHessler@greenwaylab.com](mailto:RHessler@greenwaylab.com)>
- q. American Culture Hair
- r. Louis M. Guarneri [louis@americaniculturehair.com](mailto:louis@americaniculturehair.com)
- s. Contract Packaging Ltd
- t. Troy Neeley [neely@contractpackagingltd.com](mailto:neely@contractpackagingltd.com)
- u. Liquid Technologies/PLZ Aeroscience
- v. Sean Scruton [SeanS@liquidtek.com](mailto:SeanS@liquidtek.com)
- w. Thomas Periolat [Thomas@liquidtek.com](mailto:Thomas@liquidtek.com)
- x. Precision Label
- y. Angelo Quagliata [angelo@precisionlabelcorp.com](mailto:angelo@precisionlabelcorp.com)
- z. Fran Rosenblatt – Broker/Brand Consultant
- aa. [franrosenblatt@aol.com](mailto:franrosenblatt@aol.com)

7. Marketing Vendors

- a. DM Luxury
- b. EAS Group
- c. Facebook
- d. Factor Model
- e. Ford Models
- f. Gauge
- g. Glymed
- h. Google
- i. Graphic Arts Studio
- j. Helperich
- k. Hilary Alvarez
- l. Indie Queens
- m. JAM Huisman Sarpaipark
- n. Juan Castrillon Dan Klores
- o. Kaiser Sindy
- p. Kelly Aiglon
- q. Luis Bueno
- r. Mailchimp
- s. Marc Di Pietro
- t. Meals
- u. Mega Flash Models
- v. Michael McCarthy
- w. Mighty Pac
- x. Modern Luxury
- y. Molly Dimick
- z. Moo.com
- aa. MSR Color
- bb. Next Bee
- cc. Next Day Flyers

dd. Nick Packard  
ee. Norman G Ibarra  
ff. Nouba  
gg. Orange Blue  
hh. Overnight Prints  
ii. Palay Display  
jj. Photoshoot Props  
kk. Pineapple Web  
ll. Pinterest  
mm. Prime Membership  
nn. Products for Video  
oo. Ruby Glo  
pp. S. Walter Packaging  
qq. Shutterstock  
rr. Shutterstock  
ss. Sound Production & Lighting  
tt. Stickermule  
uu. Stocksy  
vv. Tinkering Monkey  
ww. Twitter  
xx. Uline  
yy. UW Sponsorship  
zz. Vectorstock  
aaa. Vistaprint  
bbb. Wilhelmina International  
ccc. Ydesign  
ddd. Zapwater  
eee. Yugovich  
fff. Perfect Corp  
ggg. Digimarc

8. Products

- a. Perfect Blowout
- b. Transforming Mist
- c. Dry Shampoo
- d. Curl Renew
- e. Ultimate Sculpting Spray
- f. USS
- g. 3P1
- h. Everyday Shampoo
- i. Everyday Conditioner
- j. Hydrating Shampoo
- k. Hydrating Conditioner
- l. Intense Repair Mask
- m. Thickening Texture Cream
- n. Smoothing Shampoo

- o. Smoothing Conditioner
- p. Finishing Paste

9. Additional Terms Legility shall run these searches and identify the number of hits for each term. Counsel for the parties shall confer about any search results that exceed 100 hits.

- a. MT
- b. Fekkai
- c. Tricoci
- d. Marketing /10 plan
- e. Budget
- f. Financials
- g. Formula
- h. Label design
- i. Mario
- j. Cheryl
- k. Chris
- l. Santiago
- m. Angela
- n. Brinley
- o. Ryan
- p. Abud
- q. Jessica
- r. Barrera (Berrera)
- s. Distribution
- t. ULTA
- u. Sephora
- v. Blue Mercury
- w. Board
- x. WMR
- y. MD&A
- z. Texture
- aa. Skyline
- bb. Packaging
- cc. Precision
- dd. Holiday
- ee. Ginestra
- ff. pricing
- gg. strategy
- hh. Distribution
- ii. Competitor(s)
- jj. Confidential
- kk. Proposal
- ll. Responsibilities
- mm. Duties
- nn. Job /3 description or responsibilities or duties

- oo. Deliverables
- pp. Contract(s)
- qq. Yugovich
- rr. Brand book
- ss. Inspiration board
- tt. Agreement
- uu. PopSugar
- vv. WEEK 45
- ww. MT Hair Care 2019
- xx. May MD\_A
- yy. Marketing Summary
- zz. TalentConvo
- aaa. Initiatives
- bbb. Operational Plans
- ccc. Paid Media Performance Reports
- ddd. Budget Breakdown
- eee. 4th Quarter
- fff. Q4
- ggg. PrivateLabel or Private label
- hhh. IMG\_1272
- iii. Logo
- jjj. Board Meeting
- kkk. Formula
- lll. Label design
- mmm. Distribution
- nnn. Competitor
- ooo. Vendor